IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8668 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SUKHLAL CHATURBHAI DATANIA

Versus

DIRECTOR OF GOVT PRINTING & LITHOGRAPHY

Appearance:

MS SHRADDHA TRIVEDI for Petitioner

GOVERNMENT PLEADER for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/11/2000

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The petitioner by this petition under Article 226 of the Constitution of India praying for direction to the respondents to regularise the services of the petitioner on the post of Watchman and to appoint the petitioner on

a permanent post of Watchman with effect from 11.5.1989 and to grant the petitioner all the consequential benefits and salary which are paid to a regular watchman and to grant any other relief or remedy as deemed fit and just by this court in the facts and circumstances of this case.

#. From the Special Civil Application and more particularly from the para No.3 thereof I find that the petitioner worked with respondents in the month of December, 1989 for a period of 30 days, in the month of April, 1990 for a period of about 20 days, again in the year 1990 he worked from 2.6.90 to 3.9.90 and in the year 1991 he worked for the period from 5.3.91 to 3.4.91. From the documents which are there on record I find that the petitioner was appointed as purely adhoc Chowkidar against leave vacancy. It is true that the petitioner's name was placed on the list but this list has been prepared only for giving of temporary and adhoc appointment. The post of Chowkidar carries important duties and responsibility and naturally the respondents are to make the arrangement for the Chowkidar as and when regular Chowkidar goes on leave. So, the list is prepared and as and when leave vacancy was there the petitioner was given appointment and such appointment does not confer any right upon the petitioner and a legal obligation or duty upon the respondent to regularise the service i.e. to make him permanent in the employment. None of the legal or fundamental rights of the petitioner is infringed and this petition is wholly misconceived. Reliance placed by the learned counsel for the petitioner on the decision of the apex court is of little help in this petition. It is not a case where the petitioner has continuously worked since 1989 to 1991. The petitioner was appointed on purely adhoc basis as Chowkidar against leave vacancy. It is to be stated at the cost of repetition that it does not confer any right of regularisation.

In the result this Special Civil Application fails and the same is dismissed.

(S.K.Keshote, J.)

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